THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.8460 OF 2005

DATED: 08-8-2007

Between:

Md. Shakeel Khan

.. Petitioner

and

The Superintendent of Police,
Nizamabad District and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.8460 OF 2005

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ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in opening rowdy sheet against the petitioner, as arbitrary and illegal, and consequently to direct the respondents to close the rowdy sheet against the petitioner.

The case of the petitioner, who is a petty businessman, is that some unsocial elements inimical towards him filed criminal cases against him. A case has been registered against him in the year 2003 for the offence punishable under Section 380 I.P.C. and the same was closed as compromised. Another case has been registered against him and ten others in Crime No.97 of 2004 of II Town Police Station, Nizamabad for the offences punishable under Sections 148, 302, 324 r/w 109 I.P.C. and the said case is pending trial. Yet another case has been registered in the year 2004 for the offence punishable under Section 323 I.P.C. and the same is also pending trial. Except these cases, no other cases have been registered against him. While so, he was informed that a rowdy sheet has been opened against him and he was asked to furnish a photograph for displaying the same on the notice board of the Police Station. He was also directed to come to Police Station at least once in a week and to sign in the register in the presence of the Sub Inspector of Police. The action of the respondents in opening rowdy sheet against him, who is not a habitual offender, is arbitrary and illegal.

According to the learned counsel for the petitioner, except the aforementioned three cases, the petitioner is not implicated in any other case. Unless one is a habitual offender, no rowdy sheet can be opened against him. After the rowdy sheet was opened, the petitioner is being harassed and there is surveillance on him and he is being

called to the Police Station very frequently.

However, in the counter filed by the respondents, it is stated that rowdy sheet was opened against the petitioner as per the Police Standing Orders and it was being continued till 31.12.2005. Since the opening of the rowdy sheet against the petitioner, the respondents were watching his movements. If there is no surveillance on the petitioner, he is likely to create law and order problems. The allegations that the respondents were calling the petitioner to Police Station frequently, without any authority of law, and the police are interfering with his personal life and liberty were denied as false and baseless.

Heard both sides.

Learned counsel for the petitioner, apart from the arguments advanced as noticed above, relied upon a Judgment reported in **Pulla Bhaskar v. Superintendent of Police, Warangal and others**[1], wherein it was noticed that against the petitioner therein, no cases were registered from the year 1994 to 1997. Therefore, it was held that the petitioner therein cannot be termed as habitual offender and the police were directed to remove the name of the petitioner therein from the rowdy sheeters list.

In the instant case, the three cases registered against the petitioner pertain to the years 2003 and 2004. Out of the said three cases, one case was already ended in compromise and one case seems to be very minor in nature. According to the petitioner, no other cases have been registered against him.

Be that as it may, in view of the Judgment relied upon by the learned counsel for the petitioner, if no cases have been registered against the petitioner after institution of this writ petition, the

respondents shall consider removing the name of the petitioner from rowdy sheeters list and pass appropriate orders, as per law, within a period of four weeks from the date of this order, and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

8th August, 2007.
IBL

[1] 1999 (4) ALT 681